

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 26-40 are currently pending. Claims 28 and 31 are hereby canceled. Claims 26, 29, 32 and 34 are independent. Claims 26-27, 29-30, and 32-36 are hereby amended. No new matter has been introduced. Support for this amendment is provided throughout the Specification as originally filed.

Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

### **II. REJECTIONS UNDER 35 U.S.C. §112**

Claims 28 and 31 were rejected as allegedly being indefinite under 35 U.S.C. §112 second paragraph.

Claims 28 and 31 have been canceled making moot the rejection of those claims under §112.

### III. REJECTIONS UNDER 35 U.S.C. §103

Claims 26, 27, 29, 30, 32-36, and 38 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,163,316 to Killian in view of U.S. Patent Application Publication No. 2004/0128685 of Hassell et al. (hereinafter, merely “Hassell”);

Claim 37 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Killian in view of Hassell and further in view of U.S. Patent No. 5,758,257 to Herz et al. (hereinafter, merely “Herz”); and

Claims 39 and 40 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Killian in view of Hassell and further in view of U.S. Patent No. 6,698,020 to Zigmond et al. (hereinafter, merely “Zigmond”).

Applicants respectfully traverse this rejection.

Independent claim 29 is representative and recites, *inter alia*:

“a remote controller configured to remotely control the receiver unit, the remote controller having a display unit and a removable recording medium;  
...  
a removable recording medium controller configure to record at least one of said selected digital content on the removable recording medium,  
...  
wherein the selected digital content recorded on the removable recording medium is reproducible on the display unit of the remote controller.” (emphases added).

In an aspect of the present invention, the receiver has a remote control device. The remote control device includes a removable recording medium and a display. Digital content that is selected by the receiver based on the attributes of the digital content is recorded on the removable recording medium of the remote control device. That is, the remote control device stores the selected digital content. Moreover, the remote control device has a display. The

digital content (selected by the receiver and recorded on the remote controller) is reproduced on the remote control display.

That is, the receiving apparatus is provided with a remote controller for controlling the receiving apparatus. The remote controller has a removable recording medium (*e.g.*, a floppy disk, memory card, *etc.*). The receiving apparatus stores digital content, which is selected by the filter unit. Publ. App. pars. [0107]-[0109] and FIGS. 5 and 6.

Further, the above claimed remote controller has a display unit (*e.g.*, LCD display). The selected digital content, which is stored in the receiving apparatus, is stored in the removable recording medium of the remote controller. Thus, storing the digital contents in the removable recording media enables the remote controller itself to listen and view the digital contents. That is, a user is capable of listening and viewing the digital contents on the remote controller without the receiving apparatus. Publ. App. par. [0112].

There is no suggestion in Killian, Hassell Herz, or Zigmond of storing the filtered digital contents on a remote controller of a receiver, and reproducing the digital contents on the remote controller itself.

Claim 29 is patentable over Killian, Hassell Herz, or Zigmond because those references taken alone or in combination do not teach or suggest each and every element recited in the claim.

Independent claims 26, 32, and 34 are believed patentable for substantially the same reason as discussed above with respect to claim 29.

**Dependent Claim 36:**

Claim 36 depends from claim 34 and is believed patentable for at least the same reasons.

Moreover, claim 36 recited the additional feature:

“providing the removable recording medium to a second remote controller associated with a second receiver; and

...

automatically receiving, without user intervention, at the second remote controller, digital content based on the address information of digital content and client identification stored on the removable recording medium” (emphasis added)

Claim 36 provides for a first user having a user ID associated with the broadcast station of the digital content to provide the recorded digital contents to a second user not having an ID. The removable recording medium of the **first remote controller** is provided to a **second remote controller**. The digital contents stored on the removable recording medium reproduced on the second remote controller based upon address information of the digital contents and a user ID stored on the removable recording medium.

The first user uses the first receiving apparatus and stores the address information of a favorite program and the user's client ID to the broadcast station in the removable recording medium, which is installed in the first remote controller. The first user passes the removable recording medium, in which the address information and the client ID are stored, to the second user who uses a second receiving apparatus. The second user installs the removable recording medium, which is passed from the first user, in a second remote controller used for the second receiving apparatus. Therefore, the second user is capable of reproducing the program on the basis of the address information, which is recorded in the removable recording medium. When the second user reproduces the program on the second remote controller, the broadcast station enables the second user to reproduce the program as the second user is provided with a cipher

key. The broadcast station also receives the client ID of the first user, who introduced the program, from the first receiving apparatus. The broadcast station can charge the first user based upon the usage of the digital content. Publ. App. par. [0112] and FIG. 7.

The Office Action at pages 4-5 points to Hassell pars. [0084] and [0089] for the above recited feature of claim 36. First, as stated above, claim 36 depends from claim 34 and is believed patentable over Hassell for at least the same reasons. However, at the cited locations (or elsewhere) Hassell does not disclose using the address of the digital contents and a user ID of a first user at a broadcast station to be recorded on the removable medium of a first remote controller to enable a second remote controller to reproduce the digital content recorded by the first user.

Claim 36 is believed patentable over Hassell for at least this additional reason.

#### **IV. OTHER DEPENDENT CLAIMS**

The other claims are dependent from one of the claims discussed above and are therefore believed patentable for at least the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

#### **CONCLUSION**


Claims 26-27, 29-30, and 32-40 are in condition for allowance. In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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